IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4496 OF 2005
IN
CRIMINAL APPEAL NO. 1338 OF 2003

Yunus Rahimbaksha Bagwan @ Durugkar .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. P.R. Arjunwadkar for applicant.
Mr. U.V. Nikam, APP Respondent - State.

CORAM: S.S. PARKAR & ANOOP V. MOHTA,JJ.

Date : August 17, 2005.

P.C.:

. Heard. This application is filed for bail by the original accused no.1, the husband of the deceased, who was convicted along with his brother, accused no.2 and mother, accused no.5, inter alia, for offence under Section 302 of IPC.

. The applicant was implicated in both the dying declarations of the deceased victim. The allegation is that the applicant along with his brother, accused no.2 had caught hold of the deceased when the other accused persons poured kerosene on her person and set

her on fire. The applicant was not on bail during trial. The application of the co-accused i.e. applicant's brother, original accused no.2, had been rejected by the order of this court dated 16/8/2004. Considering the aforesaid circumstances, this is not a case for grant of bail.

. In the result, this application for bail is rejected. However, as the applicant, along with his brother, is in custody for a period of about 3 years, the hearing of the appeal is expedited.

(S.S. Parkar,J.)

(Anoop V. Mohta,J.)